IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL APPEAL NO. 53 OF 2001

Miss Neeta V. Naik,
Major in age, Architect,
R/o H.No.197, Vassudev
Sadan, Ponda-Goa. ... Appellant.

versus

1. Smt. Severina Fernandes,
   Major in age, married,
   and her husband,

2. Shri Lawrence Fernandes,
   Major in age.
   Both resident of H.No.1,
   Sonfator Ambora,
   Salcete-Goa.

3. State
   (through Public Prosecutor). ... Respondents.

Mr. S. S. Kantak with Miss Rakhi Chodankar, Advocates for the Appellant.

Mr. J. Godinho, Advocate for Respondent Nos.1 and 2.

Mr. S. N. Sardessai, Public Prosecutor for the State/ Respondent No.3.

CORAM : P. V. HARDAS, J.

DATED : 11TH DECEMBER, 2003.

ORAL JUDGMENT

This Criminal Appeal has been filed against the Judgment of the learned Judicial Magistrate First Class at Margao, dated 11th May, 2001, in Criminal Case No.537/N/1997/D, acquitting the Respondents/Accused for an offence punishable under Section 138 of the Negotiable Instrument Act, 1881.

2. The Complainant had filed the aforesaid case on the allegation that a cheque No.704062, dated 23rd September, 1997, drawn on Corporation Bank, Camorlim Branch, for Rs.25,000/-, issued by the Respondents/Accused, was returned back unpaid on the ground of insufficiency of funds. The learned Trial Court, as aforestated, on consideration of the evidence, acquitted the Respondents/Accused for the aforesaid offence.

3. After hearing the learned Counsel for the Appellant for some time, Mr. J. Godinho, learned Counsel for Respondent Nos.1 and 2 stated that the Respondents have today tendered to the learned Counsel for the Appellant an amount of Rs.25,000/-, receipt of which is acknowledged by the learned Counsel for the Appellant. Mr. S. S. Kantak, learned Counsel for the Appellant, in this peculiar set of facts, sought leave of this Court to withdraw the Criminal Appeal as the Appellant had received the value of the cheque.

4. In view of this, the Appellant is permitted to withdraw the Criminal Appeal and the same is dismissed as withdrawn.

P. V. HARDAS, J.

RD.